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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,178	10/29/2003	Katerina Leftheris	QA0237 Div 1	6531

23914 7590 10/10/2007
LOUIS J. WILLE
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PATENT DEPARTMENT
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EXAMINER

PRYOR, ALTON NATHANIEL

ART UNIT	PAPER NUMBER
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1616

NOTIFICATION DATE	DELIVERY MODE
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10/10/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/696,178

Applicant(s)

LEFTERIS ET AL.

Examiner

Alton N. Pryor

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1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/2/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/18/07</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Applicant's arguments filed 7/2/07 have been fully considered but they are not persuasive. See discussion below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt on record. Hunt teaches the pyrrolotriazine where Y is absent; R1 = H; X = -NR11C=O-; R2, R3 = Me; ZR5 = NH; R4 = substituted phenyl; R13 = alkyl and R11 = H or alkyl. Hunt's pyrrolotriazine compound is equivalent to instant compound where R1 = H; R2, R3 = methyl; X = -NR10C=O-; R10 = H or alkyl; ZR5 = NH; and R4 = substituted phenyl. Hunt teaches that pyrrolotriazine compounds of his invention can be used in methods of treating cancer, psoriasis, arthritis, inflammation, autoimmune disease, and diabetic retinopathy. See column 6 line – column 7 line 10. These are conditions associated with p38 kinase activity as indicated in instant claims 7-8. Hunt does not exemplify methods of treating said conditions with his compound described above. However, it would have been obvious to one having ordinary skill in the art to have employed the compound described in methods of treating said conditions. One would have been motivated to do this since Hunt states that his invention is based on the

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discovery that certain pyrrolotriazines are inhibitors of protein kinases. See column 6 lines 44-45.

With respect specifically to claims 2 and 4-6, Hunt suggests the method of using compounds where X-R2 = N-R11CO-alkyl or $-C(=O)NR_{19}$; Y = absent; R3 = substituted alkyl; R5, R1 = H; R6 = H, alkyl; Z = N; R4 = ureido substituted aryl, carbamyl sulfonamide or sulfonamide substituted aryl. This compound is the instant compound where X-R2 = N-R10CO-alkyl or $-C(=O)NR_{10}$ (R2a, R10 = H); R3 = Me or trifluoro methyl; R1, R5 = H; R6 = H, alkyl; Y = SO₂NH (sulfonamide). Note, Y can still be defined as “-NHSO₂-” which is the same as “-SO₂NH-” which has been deleted from the definition of Y in amendment filed 1/17/07. Hunt does not exemplify a method of treating said conditions using this compound. However, it would have been obvious to one having ordinary skill in the art to have employed the compound in methods of treating said conditions. One would have been motivated to do this since Hunt states that his invention is based on the discovery that certain pyrrolotriazines are inhibitors of protein kinases. See column 6 lines 44-45.

Response to Applicant's arguments

Applicant has amended claims to remove psoriasis, atherosclerosis, diabetes, arthritis and rheumatoid arthritis from the claims in an effort to avoid the 103(a) rejection over Hunt. However it is also important to note that both the Hunt specification and instant claims recite that types of arthritis, inflammatory bowel disease and osteoporosis can be treated by the administration of instant compounds. Since these conditions plus

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other related conditions remain in the claims the 103(a) rejection over Hunt is maintained. See column 9 lines 33,47-48,59 of the Hunt reference.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

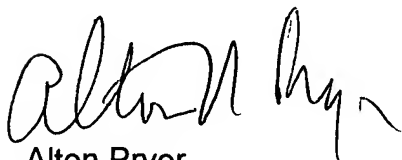
Telephonic Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alton N. Pryor whose telephone number is 571-272-0621. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Alton Pryor', with a stylized flourish at the end.

Alton Pryor
Primary Examiner
AU 1616